

**United States District Court
District of New Mexico**

UNITED STATES OF AMERICA,

**ORDER OF DETENTION PENDING
PROBATION REVOCATION HEARING**

v.

Case Number: 17-CR-2242 MV

Luciano Garcia,

In accordance with the Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. § 3143(a)(1), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending the final revocation hearing in this case.

Findings of Fact

- (1) The defendant is held in custody for violating probation or supervised release. *See* Fed. R. Crim. P. 32.1(a)(1).
- (2) The Court held a preliminary hearing and found probable cause for some or all of allegations of violation of probation or supervised release OR a preliminary hearing was waived by the defendant. *See* Fed. R. Crim. P. 32.1(b)(1)(A).
- (3) At the detention hearing, the defendant did not establish, nor did the court find, by clear and convincing evidence that the defendant will not flee or pose a danger to any other person or to the community if released under 18 U.S.C. § 3142(b) (personal recognizance or unsecured appearance bond) or (c) (release on conditions) pending further proceedings. *See* Fed. R. Crim. P. 32.1(a)(6); 18 U.S.C. § 3143(a)(1).
- (4) Additional findings or explanations: Defendant waived his detention hearing. Because the defendant waived the detention hearing, he failed to establish by clear and convincing evidence under Fed. R. Crim. P. 32.1(a)(6) that he will not flee or pose a danger to any other person or to the community.

ORDER OF DETENTION

Therefore, pursuant to Fed. R. Crim. P. 32.1(a)(6), the defendant shall be and is ordered detained pending a revocation hearing.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility pending a revocation hearing. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Date: 8/7/2023



Jennifer M. Rozzoni, U.S. Magistrate Judge